

# DART Committee: Site Visit Report on Minneapolis, MN

*By Scott Hand, Court Administrator, 2<sup>nd</sup> Judicial District*

Court Name & Location: **Minneapolis, MN (Hennepin County)**

Site visit date: **September 3, 2009**

Site visit team members: **Judge Bill Pattinson; Judge Lucy Gamon; Scott Ruhnke, Senior System Administrator; Scott Hand, District Court Administrator; and Kelly Moore, court reporter**

## 1. Court Background Information

- a. Number of judges
  - i. # of general jurisdiction judges: **62**
  - ii. # of limited jurisdiction judges: **15**
  - iii. Total # of judges: **77**
- b. Number of courtrooms: **100, 51 with digital (20 digital ct. rms added recently)**
- c. Number of court reporters employed by court: **77 Positions (currently 4.5 short)**
  - i. Number of certified steno court reporters: **Approximately 68**
  - ii. Number of certified electronic court reporters: **Approximately 3**
- d. Number of electronic recording monitors who are not certified court reporters: **None**
- e. Source of funding for DART (local, county, state): **State for recording hardware and software, county for the sound system.**

## 2. Judicial support staff for each judge (# and types):

**Law Clerk, Judicial Clerk, Court Reporter, Bailiff**

## 3. History of electronic recording in this court

- a. Year they began using electronic (tape or digital): **Late 1990s**
- b. Year they began using digital recording: **February of 2006**
- c. **Reason(s)** why they implemented digital recording: **Court reporter shortage; medical issues of aging court reporter population**
- d. Which DART system (e.g., FTR): **Court Smart**
- e. Reasons they selected this system rather than one of the others: **Functionality, ability to use central monitoring and audio redundancy safeguard mechanisms.**
- f. Have they always used this vendor? (If "no" – explain): **Yes**

## 4. Description of the DART system

- a. How many courtrooms have a DART system?
  - i. # with audio only: **51**
  - ii. # with video: **All have video for preview. Video is not stored and is not the**

**official record per statute.**

iii. If only some have video, explain why some do and some do not:

**b. What DART-related equipment is in each courtroom?**

- i. PC-based vs. proprietary recorder system? **PC**
- ii. Describe the PC Standard ICIS Configuration
  - a) Processor
  - b) Hard drive (#G-bytes)
- iii. # microphones (and location in courtroom): **6**
- iv. Type of A/V mixer (max. # of channels): **4**
- v. Describe PA system: **New, state of the art (required)**
- vi. Conference phone integrated with system? **Project underway to do this**
- vii. Remote interpreter equipment integrated with system? **Automatic**

**c. Back-up and long-term archiving of digital recordings**

- i. Describe how the digital recordings are backed-up each day: **Continuous Backup to separate system; 1 ½ years is stored on the network.**
- ii. Describe how they are archived for long-term storage (DVDs v. network): **DVD – There is a whole new industry for off-site digital storage to ensure disaster preparedness.**

**Home Run wiring (dedicated wiring) used not on LAN**

**Multi-location, multi-courtroom system centrally monitored**

**d. Cost per courtroom for their DART system (best estimates)**

- i. PC (with A/V card)
- ii. Digital recording management software
- iii. Microphones
- iv. AV mixer
- v. Cables
- vi. Cameras
- vii. Installation cost
- viii. Annual service agreement for equipment
- ix. Annual service agreement for software: **12% of license cost annually**
- x. # of courtroom staff to operate/monitor system
- xi. [Additional central tech staff to manage DART for all courtrooms?: **Court Reporters are managing the DART for all courtrooms.**
- xii. TOTAL Cost per courtroom: **\$20,000, plus new sound system(\$7,000-\$20,000)**

**5. Daily management of the digital recording system In the courtrooms**

- a. Staff in each courtroom: **Judge, Court Clerk**
- b. Central management staff? **Court Reporters, Court Reporter Supervisor**
- c. Explain staffing assignments (*see above*): **Court Reporters pooled, time split in courtrooms and monitoring room**
- d. Explain daily procedures for those who manage the system: **Central monitoring is staffed from 7:30 a.m. to 5:00 p.m.**

**6. Courtroom procedures for attorneys and litigants to ensure complete and clear recordings**

- a. Explain procedures: **They are told to speak directly into the microphone, speak clearly, identify themselves and spell their names, and that only one person should talk at a time. Best Practices and Procedures have been developed and documented in a four page document, see attachment “Hennepin-A”.**
- b. Problems or issues for attorneys/litigants: **The recording system is sensitive enough that it records audible conversations anywhere in the courtroom. However, the court reporter identifies the official record.**

**The system has a blue light panel that stays bright blue during recording, if anything goes wrong with the system or recording is paused this light panel blinks. All participants in the courtroom can see this panel.**

**Judge, Attorney, Court Reporter, Clerk training provided on procedure /process  
Staff training takes less than 2 hours, mostly policy training. Very little technical training is required.**

**7. Challenges presented by the use of DART:**

- a. Jury selection
- b. Requests for playback of witness testimony or attorney questions: **Can be done through request by clerk in the courtroom to court reporter in the monitoring room.**
- c. Distribution/use of the audio/video records (any restrictions/limits?)
  - i. E.g.: MN – digital records are not public records; not available to public? **Audio is released to judges. Staff will review audio to answer questions from internal and external clients. No portion of the record is distributed to the public. The only record that is given to the public is a certified transcript.**

**8. Types of cases or proceedings that are most amenable to the use of DART (without a court reporter in courtroom)**

Observations of judges: **housing, traffic, juvenile, misdemeanors, with court reporter recording the proceedings remotely.**

- a. Observations of attorneys: **Frankly, my opinion is that, ideally, all proceedings would have a court reporter and an audio recording as an additional secondary source for the record.**

**(Note: court reporters are in central monitoring room monitoring the courtrooms: 1 court reporter monitoring 4 courtrooms)**

**9. Types of cases or proceedings that are least amenable to the use of DART (without a court reporter)**

- a. Observations of judges: **jury trials, major felony and civil**
- b. Observations of attorneys: **wants a certified realtime reporter for criminal trials when jail is a possibility, but also recording.**

**10. Reliability of the DART system** (% of time that it operates with technical problems or failures)

- a. Hardware: **nearly 100%**
- b. Software: **nearly 100%**
- c. Human error: **Has never caused the loss of a record. There are completely separate primary and back-up systems. On rare occasions the equipment failed, but it did not cause a loss of the record. The court reporter was aware the equipment failed and used an alternate method to capture the record.**

**System is overall very reliable**

**11. Accuracy of the digital records: Completeness and clarity of the digital recordings: Issues and concerns**

- a. Observations of judges: **They appreciate that the accuracy of the record can be double checked against the audio.**
- b. Observations of court manager/tech staff:
- c. Observations of court reporters/DART monitors: **They too appreciate that the accuracy of the record can be double checked against the audio. Believe that the record is accurate because the court reporter is involved and monitoring the equipment. A transcript is only as good as the reporter preparing it, and their reporters do an excellent job.**
- d. Observations of attorneys: **Never had a problem in their cases.**

**Overall the record is very accurate, noted no difference in the record Studied steno, tape, and digital recorded transcribed records, found inaudibles traced to the court reporter, not the technology (internal study conducted by court management).**

**12. Written transcripts**

- a. Who produces them? **Certified in-house court reporters**
- b. *Qualifications for transcriptionists?* **Must be a certified stenographic court reporter**
- c. **or a certified electronic court reporter.**
- d. Process for requesting & obtaining a transcript: **Request goes to court record coordinator. She assigns the transcript preparation. If there are any questions about what is on the CD, the court reporters work together to resolve them.**
- e. Completeness and accuracy of written transcripts: Issues and concerns
  - i. Observations of judges: **No problems.**
  - ii. Observations of attorneys: **Very rarely, a word will be unclear. Overall, no complaints about transcripts generated from DART.**  
**Overall the record is very accurate, noted no difference in the record**

### **13. Advantages of courtroom DART systems**

- a. Observations of judges: **excellent reliability, excellent clarity and completeness, easy to find and read back testimony, don't have to worry about scheduling a court reporter**
- b. Observations of court manager/tech staff **Great security of the record, easy to review, can accommodate court reporter medical needs. Reduces storage needs.**
- c. Observations of court reporters/DART monitors: **Since court reporters are running the equipment, it allows the court reporter to produce the same top-quality transcripts had they been present in the courtroom, less taxing on the body; can listen to proceedings to prepare transcript over and over if want to; if on medical leave, can usually come back to work quicker; if having trouble with transcript, can ask another reporter to listen to CD.**
- d. Observations of attorneys: **Like having an audio recording for direct review.**

### **14. Disadvantages of & problems with courtroom DART systems**

- a. Observations of judges: **Like having court reporter in trials for the company**
- b. Observations of court manager/tech staff:
- c. Observations of court reporters/DART monitors: **When using central monitoring, not able to be in every single courtroom and relying on one court reporter to monitor four courtroom at a time. Also, court reporters miss the courtroom experience.**
- d. Observations of attorneys: **They are more confined in moving around the courtroom, because they need to talk into the microphone. The judge emphasizes this before the hearing starts.**

### **15. Satisfaction with their DART system: Would they recommend it? (Explain)**

- a. Observations of judges: **Appellate judges have never complained. District court judges don't complain either, which the Chief Judge appreciates.**

- b. Observations of court manager/tech staff: **Does not require must technical assistance.**
- c. Observations of court reporters/DART monitors: **They liked that it was less taxing on the body and that it provided a good record in order to prepare the transcript. They have really had no problems with utilizing the DART system, emphasizing that it is crucial that a certified court reporter monitor and run the equipment and produce the transcripts. Also said that Court Smart had good customer service and were very satisfied with the company.**
- d. Observations of attorneys: **Having an audio recording for direct review is good.**

**16. Recommendations/cautions for the Iowa courts regarding DART**

- a. Observations of judges: **Court reporter in the courtroom is ideal, but this system works very well.**
- b. Observations of court manager/tech staff:
- c. Observations of court reporters/DART monitors: **Centralized monitoring provides a quality work product while making maximum use of reporter's training and skills.**
- d. Observations of attorneys: **Generally pleased with his experience practicing almost exclusively in a courtroom that uses audio recording technologies to capture the record.**